

The 16th June, 1970

No. 5048-ILab-70/17073.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Indo Austro Corp. (P) Ltd., Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 33 of 1970

between

SHRI K. S. VIRDI, WORKMAN AND THE MANAGEMENT OF M/S INDO AUSTRO  
CORP. (P) LTD., FARIDABAD

*Present:—*

Shri H. R. Dua, for the workman.

Shri George Nadera, for the management.

#### AWARD

Shri K. S. Virdi was working as a Turner in M/s Indo Austro Corp. (P) Ltd., Faridabad. His services were terminated on the ground that he had become surplus. This gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication,—*vide* GOVERNMENT GAZETTE Notification No. ID/FD/483A/5136, dated 24th February, 1970 :—

“Whether the termination of services of Shri K. S. Virdi was justified and in order? If not, to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. The workman claims that he is an active trade unionist and he did not oblige the management by giving up his trade union activities and for this reason the management terminated his services without any reason or a justification. The management on the other hand plead that the workman was employed on 9th May, 1969 and his services were terminated with effect from 9th October, 1969 because his services were no longer required. The pleadings of the parties gave rise to the following issues :—

1. Whether the claimant became surplus and his services were no longer required?
2. Whether the termination of services of Shri K. S. Virdi was justified and in order? If not, to what relief is he entitled?

The management have produced Shri Roop Lal, their Accountant and Shri George Nadera, Technical Director. In rebuttal no evidence has been produced on behalf of the workman. His representative Shri Dua asked for adjournment on the ground that the workman was not present. He did not give any reason for the absence of the workman. His evidence was therefore closed.

I have carefully considered the evidence of the management. It is true that there is a slight contradiction in their evidence. The Accountant has stated that Shri Virdi was appointed as a Turner in order to execute an order from the State of Sikkim and after the order was executed the services of Shri Virdi became surplus. The witness admitted that he does not go to the workshop. Shri George Nadera however says that the order from Sikkim did not come through and the services of Shri Virdi were terminated because there was no work for him. Shri Nadera states that Shri Virdi used to work at the lathe machine and they have not appointed any workman whatsoever after terminating the service of Shri Virdi. I have absolutely no reason to disbelieve the evidence of this witness. There is no suggestion on behalf of the workman that any new hand has been appointed after terminating his services. The workman is also not entitled to any notice pay or service compensation because as already pointed out that he was appointed on 9th May, 1969 and his services were terminated with effect from 9th September, 1969 thus the workman did not put in 240 days of service. The termination of services is not proved to be unjustified. He is therefore not entitled to any relief. I give my award accordingly. No order as to cost.

P. N. THUKRAL,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated 1st June, 1970.

No. 972, dated 3rd June, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL

Dated 1st June, 1970.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

B. L. AHUJA.

Commissioner for Labour & Employment,  
and Secretary to Government, Haryana,  
Labour and Employment Department.

राजस्व विभाग

युद्ध जागीर

दिनांक 16 जून, 1970

क्रमांक 3652-र(III)-70/12952.—पूर्वी पंजाब के यु. पुरस्कार अधिनियम, 1948 की धारा 2(ए) (1) और 3 (1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल 100 रुपए (केवल सौ रुपए) की वार्षिक युद्ध जागीर श्री राजू डी० वशिष्ठ, पुत्र श्री जे० डी० वशिष्ठ, गाँव गढ़वाल, नहमी : पानीपत (करमर) को मन्द में दी गई जतों के अनुसार सहाय प्रदान करते हैं ।

यह अनुदान खरीद, 1964 से लागू होगी ।

क्रमांक 1892-र(III)-70/12957.—श्री बाबू राम, पुत्र गुर बकर, कान नं० 5129/3, अम्बाला शहर, ती मृत्यु के परिणामस्वरूप हरियाणा के राज्यपाल पूर्वी पंजाब जंगी जागीर अधिनियम, 1948 की धारा 4 के अन्तर्गत प्रदान की गई शक्तियों का प्रयोग करते हुए सहाय आदेश देते हैं कि श्री बाबू राम की मूर्तलिक 100 रुपए की जंगी, जो कि उनके संयुक्त पंजाब सरकार की अधिसूचना क्रमांक 15980-जंगी-III-66/18890, दिनांक 3 मई, 1966 द्वारा मंजूर की गई थी, अब श्रीमती सती देवी, विधवा श्री बाबू राम के नाम खरीद, 1969 से मंजूर की जाती है । उन अधिकारों का प्रयोग मन्द में दी गई जतों के अनुसार किया जायेगा ।

क्रमांक 3800-र(III)-70/12962.—श्री मेघ सिंह, मुख्य जल की मिट्टी जड़य विधायी, नहमी नं० जिला गृहमन्त्रालय की मृत्यु के परिणामस्वरूप हरियाणा के राज्यपाल पूर्वी पंजाब जंगी जागीर अधिनियम 1948 के अन्तर्गत प्रदान की गई शक्तियों का प्रयोग करते हुए सहाय आदेश देते हैं कि श्री मेघ सिंह की मूर्तलिक 100 रुपए की जंगी जागीर, जो कि उनके परिणाम सरकार की अधिसूचना क्रमांक 5149-अ-III-68/4010, दिनांक 17 अक्टूबर, 1968 के द्वारा मंजूर की गई थी, अब श्रीमती कल्लो देवी देव या मेघ सिंह के नाम खरीद, 1970 से मंजूर की जाती है । उन अधिकारों का प्रयोग मन्द में दी गई जतों के अनुसार किया जायेगा ।

क्रमांक 1980-र(III)-70/13041.—पूर्व पंजाब के यु. पुरस्कार अधिनियम, 1948 की धारा 2(ए) (1ए) और 3(1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल 100 रुपए (केवल सौ रुपए) की वार्षिक युद्ध जागीर निम्नलिखित शक्तियों को मन्द में दी गई जतों के अनुसार सहाय प्रदान करते हैं :—

क्रम संख्या	जिला	जागीर पाने वाले का नाम	गाँव	नहसोल
1	कानाल	श्री मोनर राम, पुत्र हजारी लाल	कानालपुर	पानीपत
2	..	श्री शानी राम, पुत्र बाबू	अदयाना	..

यह अनुदान खरीद, 1965 से लागू होंगे ।